



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,980	12/27/2000	Elaine Lee	4010/367	6822
27774                      7590                      06/24/2010 MAYER & WILLIAMS PC 251 NORTH AVENUE WEST 2ND FLOOR WESTFIELD, NJ 07090				
EXAMINER				
ARAJ, MICHAEL J				
ART UNIT		PAPER NUMBER		
3775				
MAIL DATE		DELIVERY MODE		
06/24/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/749,980

**Applicant(s)**

LEE, ELAINE

**Examiner**

MICHAEL J. ARAJ

**Art Unit**

3775

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 5-11, 14-16, 19, 22-24, 31, 32 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) 5, 6, 22, 31, 32 and 34-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7-11, 14-16, 19, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 7-11, 19 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mariant (U.S. Patent No. 5,624,461) in view of Schwarz et al. (U.S. Patent No. 4,414,976) and further in view of Soykan et al. (U.S. Patent No. 6,206,914).

Mariant discloses the use of a vaso-occlusive coil (112) for aneurysms (Col. 2, Paragraph 4). Mariant discloses the claimed invention except the for using thrombus-stabilizing molecule that is a plasminogen activator inhibitor or plasmin inhibitor. Schwarz teaches that tissue adhesive for use in vascular surgery may be made with Factor XIII, plasminogen activator inhibitor or plasmin inhibitor in order to stimulate wound healing (Column 1 lines 37-44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device of Mariant with the thrombus-stabilizing molecule being plasminogen activator inhibitor or plasmin inhibitor, in view of Schwarz, in order to promote healing.

The combination of Mariant and Schwartz et al. disclose the claimed invention except for the use of an additional material selected from the group consisting of fibrin, polyethylene glycol derivatives, thrombin-coated gelatin granules, balloons coated with

iron microspheres and trace metals. Soykan et al. disclose the use of fibrin to make the device in assisting treatment of aneurysms less prone to tearing (Col. 9, Paragraph 4). It would have been obvious to one skilled in the art at the time the invention was made to have created the combination of Mariant and Schwartz et al. with a fibrin coating in view of Soykan et al., in order to make a more robust device that can better function to treat an aneurysm.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mariant (U.S. Patent No. 5,624,461) in view of Schwarz et al. (U.S. Patent No. 4,414,976) in view of Soykan et al. (U.S. Patent No. 6,206,914) and further in view of Eder et al. (U.S. Patent No. 5,980,550).

The combination of Mariant and Schwarz et al. and Soykan et al. disclose the claimed invention except for the coil being plasma treated and subjected to ion implantation. Eder et al. disclose the coil being plasma treated (Col. 3, Paragraph 2), subjected to ion implantation (Col. 6, Paragraph 6). It would have been obvious to one skilled in the art at the time the invention was made to the device of Mariant, Schwarz et al. and Soykan et al. subjected to being plasma treatment and ion implantation in view of Eder et al., in order to promote healing.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mariant (U.S. Patent No. 5,624,461) in view of Schwarz et al. (U.S. Patent No. 4,414,976) in view of Soykan et al. (U.S. Patent No. 6,206,914) and further in view of Nikolchev et al. (U.S. Patent No. 6,526,979).

The combination of Mariant and Schwarz et al. and Soykan et al. disclose the claimed invention except for the vaso-occlusive coil being microtextured. Nikolchev discloses that an occlusive coil is microtextured in order to promote tissue ingrowth and enhance the occlusion of the vessel (Column 14 lines 9-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device of Mariant, Shwarz et al. and Soykan et al. with the microtexturing in view of Nikolchev, in order to enhance tissue ingrowth and occlude the vessel.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 7-11, 14-16, 19, 23 and 24 have been considered but are moot in view of the new ground(s) of rejection. The combination of Mariant and Schwartz et al. did not have the combination of two or more of the materials claimed in claim 1.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3775

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. ARAJ whose telephone number is (571)272-5963. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Barrett can be reached on 571-272-4746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Araj/  
Examiner, Art Unit 3775

/Thomas C. Barrett/  
Supervisory Patent Examiner, Art  
Unit 3775

